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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/291,195	04/14/1999	MASAHITO NIIKAWA	032567-011	1785

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EXAMINER
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HANNETT, JAMES M

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/291,195

Applicant(s)

NIIKAWA, MASAHIRO

Examiner

James M Hannett

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-17 is/are allowed.
- 6) ☒ Claim(s) 6,8 and 9 is/are rejected.
- 7) ☒ Claim(s) 1-5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/23/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/23/2005 has been entered.

### ***Response to Arguments***

Applicant's arguments with respect to Claim 6 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

Claims 1-5 are objected to because of the following informalities: Claim 1 recites the limitation "the region created in said recording medium" on Lines 6 and 7. However, the claimed limitation "the region created in said recording medium" has no antecedent basis. The examiner points out that this region is not formed until Line 10 and 11. The examiner suggests that the paragraph pertaining to "the indicator for indicating a warning", be repositioned to the last paragraph of the claim in order to overcome this objection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1: Claims 6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US2002/0191089 Ikeda in view of USPN 5,606,420 Maeda et al.

2: As for Claim 6, Ikeda teaches on Paragraph [0069, 0099, 0128-1030] and depicts in Figure 5 a photographing apparatus, comprising: an image sensor (12); a removable memory card (52) for recording image data taken by the image sensor (12), wherein the removable memory card (52) is attachable to and detachable from the photographing apparatus; an interface (34) for reading a program out of an external recording medium (52), and a controller (17) for executing the program read out from the external recording medium (52). Ikeda teaches the use of a camera that captures images with a CCD image sensor and stores the image data onto a removable memory card (52). Ikeda teaches that the camera includes an interface which allows the camera to download additional program data from a personal computer to allow the camera to perform additional functions. Ikeda teaches that this program data can be transferred from the computer and stored in memory card (52). Furthermore, Ikeda teaches that the camera CPU system controller will execute the downloaded program. However, Ikeda is silent as to which additional functions the program data can execute and merely states that additional functions can be performed. Furthermore, Ikeda does not teach that the program data can process the image data that is recorded on the removable memory card.

Maeda et al teaches on Column 13, lines 58-62 and depicts in Figure 1 the use of a digital camera that can store image data on a removable memory card (112). Maeda et al teaches that it is advantageous to equip a digital camera with programming which gives the camera the ability to perform multi-image processing so that the image signals stored in the memory card can be reproduced on a display as a multi-image.

Art Unit: 2612

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the camera of Ikeda to download as the additional program data, a multi-image processing program as taught by Maeda et al in order to allow the camera of Ikeda To transform the image signals stored in the memory card into a multi-image which can be reproduced on the camera display.

3: In regards to Claim 8, Ikeda further teaches on paragraph [0126] the interface (72) is used to connect the photographing apparatus to an image processing apparatus (computer) with which the external recording medium (52) is connected. Ikeda teaches that a computer can be connected to the camera through an interface (72). Furthermore, when the external memory card (52) is connected to the camera and the computer is connected to the camera, it is inherent that the memory card and computer are connected together.

4: As for Claim 9, Ikeda further teaches on paragraph [0126] the image data stored in the memory card (52) can be transferred via the interface circuit (72) to a remote computer. It is viewed be the examiner that for a remote computer to receive image data from the camera the computer inherently performs processing on the transferred image data. The examiner notes that this claim is written broadly and does not claim the type of image processing performed by the computer. The mere process of receiving the image data is viewed as image processing.

***Allowable Subject Matter***

5: Claims 10-17 are allowed.

***Conclusion***

Art Unit: 2612


Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hannett whose telephone number is 571-272-7309. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 571-272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James M. Hannett  
Examiner  
Art Unit 2612

JMH  
April 4, 2005

  
WENDY R. GARBER  
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